

# Garnishments

At a Glance

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We are not qualified to give legal advice. If you have questions please consult your legal counsel.



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TITLE 11  
ENFORCEMENT OF JUDGMENTS IN CIVIL ACTIONS  
CHAPTER 2  
PROPERTY SUBJECT TO EXECUTION - EXEMPTIONS

11-207. Restriction on garnishment – Maximum. (1) Except as provided in subsection (2) of this section, the maximum amount of the aggregate disposable earnings of an individual for any work week which is subjected to garnishment shall not exceed (a) twenty-five per cent (25%) of his disposable earnings for that week, or (b) the amount by which his disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C.A. 206(a)(1) in effect at the time the earnings are payable, whichever is less. In the case of earnings for any pay period other than a week, the Idaho commissioner of labor shall by regulation prescribe a multiple of the federal minimum hourly wage equivalent in effect to that set forth in (b) of this subsection.

(2) (a) The restrictions of subsection (1) of this section shall not apply in the case of any order of any court for the support of any person, any order of any court of bankruptcy under chapter XIII of the Bankruptcy Act, or any debt due for any state or federal tax.

(b) The maximum part of the aggregate disposable earnings of an individual for any work week which is subject to garnishment to enforce any order for the support of any person shall not exceed:

1. Where such individual is supporting his spouse or dependent child, other than a spouse or child with respect to whose support such order is used, fifty per cent (50%) of such individual's disposable earnings for that week; and
2. Where such individual is not supporting such a spouse or dependent child described in paragraph 1., sixty per cent (60%) of such individual's disposable earnings for that week.

except that with respect to the disposable earnings of any individual for any work week, the fifty per cent (50%) specified in paragraph 1. shall be deemed to be fifty-five per cent (55%) and the sixty per cent (60%) specified in paragraph 2. shall be deemed to be sixty-five per cent (65%), if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve (12) week period which ends with the beginning of such work week.

Note: Idaho Code matches the Federal Consumer Credit Protection Act. 15 U.S.C. §1673

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## Example: Employee



- Employee is paid \$25.00 an hour and works forty hours a week. They get paid every two weeks.
- The employee's gross pay is \$2000.00 (\$25.00 x 80 hours).

Gross Pay:	\$2,000.00	
Deductions:		
Social Security Tax (FICA)	\$124.00	Required by Law
Medicare Tax (FICA)	\$29.00	Required by Law
Federal Taxes	\$180.00	Required by Law
State Taxes	\$90.00	Required by Law
Retirement	\$140.00	Required by Law and Pre-Tax
Health Insurance	\$50.00	Pre-tax
Flexible Spending	\$75.00	Pre-tax
Deferred Comp	\$30.00	Pre-tax
Supplemental Insurance	\$10.00	
United Way	\$10.00	
Net Pay	\$1,262.00	

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## Restriction on Garnishment

11-207. Restriction on garnishment – Maximum. (1) Except as provided in subsection (2) of this section, the maximum amount of the aggregate disposable earnings of an individual for any work week which is subjected to garnishment shall not exceed (a) twenty-five per cent (25%) of his disposable earnings for that week, or (b) the amount by which his disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C.A. 206(a)(1) in effect at the time the earnings are payable, whichever is less. In the case of earnings for any pay period other than a week, the Idaho commissioner of labor shall by regulation prescribe a multiple of the federal minimum hourly wage equivalent in effect to that set forth in (b) of this subsection.

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## Definitions

TITLE 11  
ENFORCEMENT OF JUDGMENTS IN CIVIL ACTIONS

CHAPTER 2  
PROPERTY SUBJECT TO EXECUTION – EXEMPTIONS

11-206. Definitions. For the purpose of section 11-207, Idaho Code, the term:

1. **"Earnings"** means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.
2. **"Disposable earnings"** means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.
3. **"Garnishment"** means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

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## Aggregate Disposable Earnings

### What Amounts are Required by Law to be Withheld?

FICA Taxes (Social Security and Medicare)

Federal Taxes

State Taxes

Retirement (if required by law)

Any other deduction that may be required by law  
(but not a Garnishment)

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## Example: Employee Disposable Earnings



### Employee's disposable earnings are:

Gross Pay:	\$ 2,000.00	
Deductions:		
Social Security Tax (FICA)	\$124.00	Required by Law
Medicare Tax (FICA)	\$29.00	Required by Law
Federal Taxes	\$180.00	Required by Law
State Taxes	\$90.00	Required by Law
Retirement	\$140.00	Required by Law
Disposable Earnings	\$1,437.00	

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## What is a Garnishment?

Per Idaho Code 11-206

"Garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

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## Types of Garnishments Include:

- Creditor Garnishment – Sheriff Garnishment, Idaho Department of Labor Garnishment, etc
- Higher Education Act (HEA) Student Loan Garnishment
- Federal Administrative Wage Garnishment
- Support Order
- Child Support Order
- Chapter 13 Bankruptcy Order
- Federal Tax Levy
- State Tax Levy

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## Garnishment Limit: The Floor and the Ceiling

- **The Floor:** Any person is permitted to take home 30 times the federal minimum wage (after deductions required by law) and this sum of money is protected from garnishment.
- **The Ceiling:** No person can have more than 25% of their disposable income garnished. Any sum above 25% is protected from garnishment.

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## Worksheet Provided by the U.S. Department of Labor Fact Sheet #30

MAXIMUM GARNISHMENT OF DISPOSABLE EARNINGS UNDER NORMAL CIRCUMSTANCES* FOR THE \$7.25 MINIMUM WAGE			
Weekly	Biweekly	Semimonthly	Monthly
\$217.50 or less: NONE	\$435.00 or less: NONE	\$471.25 or less: NONE	\$942.50 or less: NONE
More than \$217.50 but less than \$290.00: Amount ABOVE \$217.50	More than \$435.00 but less than \$580.00: Amount ABOVE \$435.00	More than \$471.25 but less than \$628.33: Amount ABOVE \$471.25	More than \$942.50 but less than \$1256.66: Amount ABOVE \$942.50
\$290.00 or more: MAXIMUM 25%	\$580.00 or more: MAXIMUM 25%	\$628.33 or more: MAXIMUM 25%	\$1256.66 or more: MAXIMUM 25%

\* These restrictions do not apply to garnishments for child and/or spousal support, bankruptcy, or actions to recover state or federal taxes.

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### Example: The Ceiling



Employee's maximum  
garnishment amount is:

Disposable Earnings  
\$1,437.00

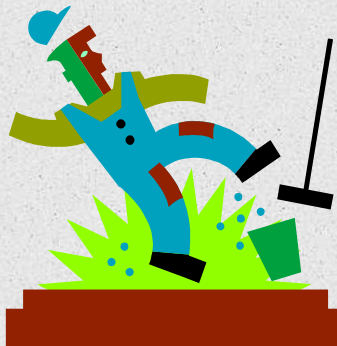
Employee's disposable  
earnings are higher than  
\$580.00 (Biweekly Column) so  
the maximum amount of  
garnishment is 25% of  
disposable earnings.

$$\$1,437.00 \times 25\% = \$359.25$$

Maximum Garnishment  
Amount is \$359.25.

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### Example: The Floor



If Employee's  
disposable earnings  
were only \$200.00,  
nothing would be  
garnished.

If the Employee's  
disposable earnings  
were \$500.00, only  
\$65.00 could be taken  
for the garnishment  
(\$500.00 - \$435.00)

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## Higher Education Act (HEA) Student Loan

- The **Higher Education Act** authorizes the Department of Education's **guaranty agencies** to garnish up to 15% of disposable earnings to repay defaulted federal student loans. Such withholding is also subject to the provisions of the federal wage garnishment law, but not state garnishment laws.
- Disposable Income for a HEA Student Loan is defined in Federal code (20 U.S. Code § 1095a) as:
  - (e) "Disposable pay" defined  
For the purpose of this section, the term "disposable pay" means that part of the compensation of any individual from an employer remaining after the deduction of any amounts required by law to be withheld.
- **NOTE:** This garnishment has not been excluded from the provisions of the Consumer Credit Protection Act. All limits imposed under 15 U.S.C. §1673 are still in force.

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## Example: Employee Disposable Earnings (HEA)



Gross Pay:	\$2,000.00	
Deductions:		
Social Security Tax (FICA)	\$124.00	Required by Law
Medicare Tax (FICA)	\$29.00	Required by Law
Federal Taxes	\$180.00	Required by Law
State Taxes	\$90.00	Required by Law
Retirement	\$140.00	Required by Law
Disposable Earnings	\$1,437.00	

Garnishment Amount would be \$215.55

(\$1,437.00 x 15%) – still less than the \$359.25 maximum

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## Federal Administrative Wage Garnishment

- The **Debt Collection Improvement Act** authorizes **federal agencies or collection agencies under contract with them** to garnish up to 15% of disposable earnings to repay defaulted debts owed the U.S. government. Such withholding is also subject to the provisions of the federal wage garnishment law, but not state garnishment laws.
- Disposable Income for a federal administrative wage garnishment is defined in Federal code (31 CFR 285.11) as:  
**Disposable pay** means that part of the debtor's compensation (including, but not limited to, salary, bonuses, commissions, and vacation pay) from an employer **remaining after the deduction of health insurance premiums and any amounts required by law to be withheld**. For purposes of this section, "amounts required by law to be withheld" include amounts for deductions such as social security taxes and withholding taxes, but do not include any amount withheld pursuant to a court order.
- **NOTE:** This garnishment has not been excluded from the provisions of the Consumer Credit Protection Act. All limits imposed under 15 U.S.C. §1673 are still in force.

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## Example: Employee

### Disposable Earnings for a Federal Wage Assignment Garnishment



Gross Pay:	\$2,000.00	
Deductions:		
Social Security Tax (FICA)	\$124.00	Required by Law
Medicare Tax (FICA)	\$29.00	Required by Law
Federal Taxes	\$180.00	Required by Law
State Taxes	\$90.00	Required by Law
Retirement	\$140.00	Required by Law
Health Insurance	\$50.00	
Disposable Earnings	\$1,387.00	

Garnishment Amount would be **\$208.05**

(\$1,387.00 x 15%) – still less than the \$359.25 maximum

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## Exceptions to the Ceiling

Idaho Code 11-207

(2) (a) The restrictions of subsection (1) of this section shall not apply in the case of any order of any court for the support of any person, any order of any court of bankruptcy under chapter XIII of the Bankruptcy Act, or any debt due for any state or federal tax.

The 25% of aggregate disposable earnings maximum does not apply to these types of garnishments

1. Support Order (including Child Support Order)
2. Chapter 13 Bankruptcy Order
3. State Tax Levy
4. Federal Tax Levy

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## Order of Any Court for the Support of Any Person

Idaho Code 11-207

(b) The maximum part of the aggregate disposable earnings of an individual for any work week which is subject to garnishment to enforce any order for the support of any person shall not exceed:

1. Where such individual is supporting his spouse or dependent child, other than a spouse or child with respect to whose support such order is used, fifty per cent (50%) of such individual's disposable earnings for that week; and

2. Where such individual is not supporting such a spouse or dependent child described in paragraph 1., sixty per cent (60%) of such individual's disposable earnings for that week;

except that with respect to the disposable earnings of any individual for any work week, the fifty per cent (50%) specified in paragraph 1. shall be deemed to be fifty-five per cent (55%) and the sixty per cent (60%) specified in paragraph 2. shall be deemed to be sixty-five per cent (65%), if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve (12) week period which ends with the beginning of such work week.

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## Maximum Amounts for a Support Order

The maximum amount that can be withheld for a support order is:

1. If employee is supporting a spouse or dependent child the limit is 50% of disposable earnings.
2. If the employee is **not** supporting a spouse of dependent child then limit is 60% of disposable earnings.
3. If the employee is in arrears, then 50% is changed to 55% and 60% is changed to 65%

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## Child Support Order Garnishment Limit

**Title 32, Chapter 12 is the section of Idaho Code dealing with Mandatory Income Withholding for Child Support**

Idaho Code 32-1210 is the Employer's Duties and Responsibilities -- Fee for Employer

All child support orders and spousal support orders related to child support are governed by Idaho Code 32-1210.

Withholding Amount Limit:

(3) The total amount to be withheld from the obligor's earnings each month, or from each earnings disbursement, shall not exceed fifty percent (50%) of the disposable earnings of the obligor. If the amounts to be paid toward the arrearage are specified in the support order, then the maximum amount to be withheld is the sum of the current support ordered and the amount ordered to be paid toward the arrearage, or fifty percent (50%) of the disposable earnings of the obligor, whichever is less. **In no event shall the amount to be withheld from the earnings of the obligor exceed the amount specified in section 11-207, Idaho Code.**

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## Example: Employee Maximum Allowed for Withholding



The maximum amount that can be withheld for child support orders is 50% of disposable earnings.

Employee's maximum garnishment amount is:

Disposable Earnings \$1,437.00

**Maximum amount withheld for child support is \$718.50.**

$$\$1,437.00 \times 50\% = \$718.50$$

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## Child Support Order Processing Fee

### Employer Processing Fee:

IC 32-1210 (7) The employer may deduct a processing fee, not to exceed five dollars (\$5.00), to cover the costs of each withholding. Such fee is to be withheld from the obligor's income in addition to the amount withheld to satisfy the withholding order, but the total amount withheld, including the fee, shall not exceed fifty percent (50%) of the obligor's disposable income.

**The \$5.00 processing fee allowed by Idaho Code 32-1210(7) is included in the 50% of disposable earnings.**

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## Example: Employee Maximum Allowed for Withholding

The maximum amount withheld for child support is \$718.50

Amount paid to Child support agency would be \$713.50 and the employer would receive the \$5.00 processing fee.

$$\$713.50 + \$5.00 = \$718.50$$

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## Child Support Order Priority

### Priority of Child Support Orders:

IC 32-1210 (9) An order for income withholding for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment, income withholding order, or garnishment for child support.

The only exception to this may be a Federal Tax Levy which is governed by federal law.

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## Support Orders Not Related to Child Support

- A support order not related to child support is not necessarily governed by Title 32, Chapter 12 of Idaho Code, but it is governed by Idaho Code 11-207.
- The \$5.00 employer processing fee and the priority over any other wage assignment or garnishment may not apply.
- If you receive a support order not issued by a Child Enforcement Agency, seek advice from your legal counsel on how to comply with the order.

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## Chapter 13 Bankruptcy Order Garnishment Limit

- Chapter 13 Bankruptcy orders are received from a court appointed trustee and usually order the employer to withhold a specified dollar amount.
- There is no set limit to how much an employer can withhold for a chapter 13 bankruptcy order.
- Withhold the amount specified on the order.

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## Example: Employee Maximum Allowed for Withholding

- The employer receives an order to from a bankruptcy trustee withhold \$600.00 a month
- The amount withheld during the month is \$600.00

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## State Tax Levy Garnishment Limit

**In 2013 the Idaho Legislature passed SB 1047 allowing for a continuous levy against earnings only.**

TITLE 63  
REVENUE AND TAXATION

CHAPTER 30  
INCOME TAX

63-3060A. CONTINUOUS EXECUTION ON INDIVIDUAL EARNINGS. Where an execution or garnishment against earnings for a state tax liability is served upon any person or upon the state of Idaho, and there is in possession of such person or the state of Idaho any such earnings of the individual debtor, the execution and the garnishment shall operate continuously and shall require such person or the state of Idaho to withhold the nonexempt portion of earnings at each succeeding earnings disbursement interval until released by the state tax commission or until the dollar amount specifically set forth on the record of assessment, identified in section 63-3045A, Idaho Code, and subject to garnishment as of the date the tax warrant is issued, is discharged or satisfied in full. **The proportion of earnings subject to garnishment pursuant to this section, as compared to total gross taxable earnings, shall be limited to twenty-five percent (25%), except if the federal government is also garnishing the earnings of such person then the garnishment shall be limited to ten percent (10%). All garnishment or execution against earnings for the payments of any tax owed to the state of Idaho shall be governed by this section. For purposes of this section, earnings are gross taxable earnings from sources identified in section 11-206(1), Idaho Code.**

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## Example: Employee Taxable Gross Earnings



Employee Taxable Earnings are:

Gross Pay:	\$2,000.00	
Deductions:		
Retirement	\$140.00	Pre-Tax
Health Insurance Premiums	\$50.00	Pre-Tax
Flexible Spending	\$75.00	Pre-Tax
Deferred Comp	\$30.00	Pre-Tax
Taxable Earnings	\$1,705.00	

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## Computation of Continuous Wage Levy

- Remember when the Tax Commission mentions gross earnings, they are only referencing **taxable gross earnings**.
- Taxable gross earnings are the only kind of gross earnings they know about.

COMPUTATION OF CONTINUOUS WAGE LEVY AMOUNT

Employee's Name: \_\_\_\_\_ Letter ID: \_\_\_\_\_

Indicate Pay Schedule: \_\_\_\_\_ Weekly \_\_\_\_\_ Bi-weekly \_\_\_\_\_ Semi-monthly \_\_\_\_\_ Monthly \_\_\_\_\_ Other: \_\_\_\_\_

1. \_\_\_\_\_ Enter total gross earnings

2. \_\_\_\_\_ Enter 25% (0.25) of line 1, not to exceed the amount owed on the original levy or

3. \_\_\_\_\_ Enter 10% (0.10) of line 1 If you already have, or if you receive an IRS levy order during the course of this Idaho levy

4. \_\_\_\_\_ Amount to be sent to the Tax Commission

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## Example: Employee State Tax Withholding



Employee **does not have** a federal tax levy:

■ The withholding amount for the state levy is 25% of taxable gross earnings

■ Taxable Earnings  
 $\$1,705.00 \times 25\% = \$426.25$

■ The total amount paid to the tax commission is \$426.25

Employee **has** a federal tax levy:

■ The withholding amount for the state levy is 10% of taxable gross earnings

■ Taxable Earnings  
 $\$1,705.00 \times 10\% = \$170.50$

■ The total amount paid to the tax commission is \$170.50

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## Federal Tax Levy Garnishment Limit

The withholding amount for a federal tax levy is not calculated as a percentage of any type of gross earnings.

A federal levy exempts a portion of the employee's net pay from the levy and the rest of the net pay is given to the IRS.

Exempt Amount Calculation (Internal Revenue Code section 6334)

### (d) Exempt Amount of Wages, Salary, or Other Income.—

(1) **Individuals on weekly basis.**—In the case of an individual who is paid or receives all of his wages, salary, and other income on a weekly basis, the amount of the wages, salary, and other income payable to or received by him during any week which is exempt from levy under subsection (a) (9) shall be the exempt amount.

(2) **Exempt Amount.**—For purposes of paragraph (1), the term "exempt amount" means an amount equal to—

(A) the sum of—

(i) the standard deduction, and

(ii) the aggregate amount of the deductions for personal exemptions allowed the taxpayer under section 151 in the taxable year in which such levy occurs, divided by

(B) 52.

Unless the taxpayer submits to the Secretary a written and properly verified statement specifying the facts necessary to determine the proper amount under subparagraph (A), subparagraph (A) shall be applied as if the taxpayer were a married individual filing a separate return with only 1 personal exemption.

(3) **Individuals on basis other than weekly.**—In the case of any individual not described in paragraph (1), the amount of wages, salary, and other income payable to or received by him during any applicable pay period or other fiscal period (as determined under regulations prescribed by the Secretary) which is exempt from levy under subsection (a) (9) shall be an amount (determined under such regulations) which as nearly as possible will result in the same total exemption from levy for such individual over a period of time as he would have under paragraph (1) if (during such period of time) he were paid or received such wages, salary and other income on a regular weekly basis.

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## Publication 1494 – Tables for Figuring Amount Exempt From Levy on Wages, Salary, and Other Income

1. Tables for Figuring Amount Exempt from Levy on Wages, Salary, and Other Income (Forms 688-W(ACS), 688-W(200), and 688-W(BC))													2014		
The tables below show the amount of an individual's income that is exempt from a notice of levy based on correct delinquent tax in 2014.															
	Filing Status: Single						Pay Period	Filing Status: Married Filing Joint Return (and Qualifying Widow(er)s)	Number of Exemptions Claimed on Statement						
	1	2	3	4	5	6			1	2	3	4	5	6	
Daily	39.24	54.23	69.42	84.62	99.81	115.00	23.33 plus 15.19 for each exemption	Daily	62.39	79.08	95.77	112.46	129.15	145.84	47.45 plus 15.19 for each exemption
Weekly	149.19	211.16	267.12	329.08	390.04	450.00	119.23 plus 75.46 for each exemption	Weekly	214.42	296.36	378.30	460.24	542.17	624.11	119.23 plus 75.46 for each exemption
Biweekly	298.38	422.31	534.23	658.16	780.08	900.00	238.46 plus 151.92 for each exemption	Biweekly	428.84	592.72	756.60	920.48	1084.35	1248.22	238.46 plus 151.92 for each exemption
Semi-monthly	422.92	587.60	750.33	915.07	1081.25	1248.33	298.33 plus 164.59 for each exemption	Semi-monthly	611.29	838.83	1070.42	1302.00	1533.58	1765.17	298.33 plus 164.59 for each exemption
Monthly	845.83	1175.00	1504.17	1833.33	2162.50	2491.67	596.66 plus 329.17 for each exemption	Monthly	1222.58	1677.67	2140.84	2604.00	3067.16	3530.33	596.66 plus 329.17 for each exemption

	Filing Status: Head of Household						Pay Period	Filing Status: Married Filing Separate Return	Number of Exemptions Claimed on Statement						
	1	2	3	4	5	6			1	2	3	4	5	6	
Daily	50.19	65.30	80.40	95.50	110.60	125.70	35 plus 15.19 for each exemption	Daily	50.19	65.30	80.40	95.50	110.60	125.70	35 plus 15.19 for each exemption
Weekly	200.96	261.20	321.60	382.00	442.40	502.80	140 plus 75.46 for each exemption	Weekly	200.96	261.20	321.60	382.00	442.40	502.80	140 plus 75.46 for each exemption
Biweekly	401.92	522.40	643.20	764.00	884.80	1005.60	280 plus 151.92 for each exemption	Biweekly	401.92	522.40	643.20	764.00	884.80	1005.60	280 plus 151.92 for each exemption
Semi-monthly	543.75	703.33	852.92	1012.50	1162.08	1311.67	375 plus 164.59 for each exemption	Semi-monthly	543.75	703.33	852.92	1012.50	1162.08	1311.67	375 plus 164.59 for each exemption
Monthly	1087.50	1406.67	1705.83	2025.00	2324.17	2623.33	750 plus 329.17 for each exemption	Monthly	1087.50	1406.67	1705.83	2025.00	2324.17	2623.33	750 plus 329.17 for each exemption

2. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014				
Filing Status	Age	Daily	Weekly	Monthly
Single or Married at	1	5.66	39.61	83.62
Head of Household	2	11.32	79.22	167.23
Any Other Filing Status	3	5.66	39.61	83.62
	4	11.32	79.22	167.23
	5	17.98	118.83	250.84
	6	24.64	158.44	334.45

3. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

4. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

5. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

6. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

7. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

8. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

9. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

10. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

11. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

12. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

13. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

14. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

15. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

16. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

17. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

18. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

19. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

20. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

21. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

22. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

23. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

24. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

25. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

26. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

27. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

28. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

29. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

30. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

31. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

32. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

33. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

34. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

35. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

36. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

37. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

38. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

39. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

40. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

41. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

42. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

43. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

44. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

45. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

46. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

47. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66 Years Old on or after 2014	
Filing Status	Age
Single or Married at	1
Head of Household	2
Any Other Filing Status	3
	4
	5
	6

48. Table for Figuring Additional Exempt Amount for Taxpayers at Least 66	
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## Example: Employee Federal Tax Withholding



■ Employee is paid biweekly.

■ Employee is considered Married Filing a Separate Return with 1 exemption.

■ Per Publication 1494, the amount of pay exempt from levy is \$542.31.

■ The employee receives the exempt amount of \$542.31.

■ The total amount paid to the IRS is \$719.69 (\$1,262.00 - \$542.31)

Gross Pay:	\$2,000.00	
Deductions:		
Social Security Tax (FICA)	\$124.00	Required by Law
Medicare Tax (FICA)	\$29.00	Required by Law
Federal Taxes	\$180.00	Required by Law
State Taxes	\$90.00	Required by Law
Retirement	\$140.00	Required by Law and Pre-Tax
Health Insurance	\$50.00	Pre-Tax
Flexible Spending	\$75.00	Pre-Tax
Deferred Comp	\$30.00	Pre-Tax
Supplemental Insurance	\$10.00	
United Way	\$10.00	
Net Pay	\$1,262.00	

## How Idaho Code 11-207 Applies to Multiple Garnishments

### 1. The priority matters.

Except for child support orders, the order you receive the garnishment usually determines the priority.

First come first served.

### 2. Is the garnishment exempt from the limit/ceiling?

If the garnishment is exempt from the restrictions in IC11-207 (Support Orders, Chapter 13 Bankruptcy Orders, State Tax Levies, and Federal Tax Levies), then you may be able to take that garnishment in addition to another garnishment even if the prior garnishment exceeds the 25% of disposable earnings limit.

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## Examples:



## Employee Multiple Garnishments

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**Example 1: Employee has a creditor garnishment in place and the employer receives a state tax levy**

- The employee's disposable earnings are \$1,437.00, and the maximum amount (25%) is being withheld for the creditor garnishment. The creditor is receiving \$359.25.
- The state levy is not subject to the restrictions in IC11-207 so it does not have to stay within 25% of disposable earnings.
- The levy amount would be taxable earnings of \$1,705.00 multiplied by 25%. The state tax commission would receive \$426.25.
- As long as the employee had enough money to pay both garnishments, the entire amount would be paid to each.

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**Example 2: Employee has a creditor garnishment in place and the employer receives a federal tax levy.**

- The creditor garnishment receives \$359.25.
- The federal levy is not subject to the restrictions in IC11-207 so it does not have to stay within 25% of disposable earnings.
- Because of the creditor garnishment the Employee's original net pay of \$1,262.00 is reduced to \$902.75 (\$1,262.00 - \$359.25).
- The employee receives the exempt amount of \$542.31 so the IRS would receive \$360.44 (\$902.75 - \$542.31)

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**Example 3: Employee has a state tax levy in place and the employer receives a creditor garnishment.**

- The levy amount is \$426.25.
- The creditor garnishment is subject to the restrictions in IC11-207, so it cannot cause the employee to pay more than 25% of their disposable income to satisfy the garnishment.
- The state levy is more than the limit of \$359.25 so the employer cannot withhold for the creditor garnishment.

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**Example 4: Employee has a HEA garnishment in place and the employer receives a creditor garnishment.**

- The HEA is receiving 15% of the employee's disposable earnings, which amounts to \$215.55 ( $\$1,437.00 \times 15\%$ )
- \$215.55 is still less than the \$359.25 maximum, so the creditor garnishment could be put in place but would only receive the difference between the \$359.25 maximum and the amount already being garnished of \$215.55.
- The creditor garnishment would receive \$143.70 ( $\$359.25 - \$215.55$ )

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**Example 5: Employee has a Creditor garnishment in place and the employer receives a child support order for \$400.00 each biweekly pay period.**

- The creditor is receiving 25% of the employee's disposable earnings, which amounts to \$359.25 ( $\$1,437.00 \times 25\%$ )
- Per IC32-1210, the child support order takes priority.
- The maximum amount allowed for child support is 50% of disposable earnings which is \$718.50 ( $\$1,437.00 \times 50\%$ )
- The pay period amount (\$400.00) is less than the maximum so the child support agency would receive \$400.00 and the employee would receive \$5.00.
- The creditor garnishment is now after the child support order and is subject to the restrictions in IC11-207, so it cannot cause the employee to pay more than 25% of their disposable income to satisfy the garnishment.
- The child support order is more than the limit of \$359.25 so the employer cannot withhold for the creditor garnishment any longer.

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**Example 6: Employee has a child support order in place for \$400.00 and the employer receives a Chapter 13 Bankruptcy order for \$100.00. Later the employer also receives a state tax levy.**

- **Because none of these garnishments are subject to the limitations in IC11-207, you could potentially withhold for all three garnishments.**
- The child support is paid first both by virtue of being first and also according to IC32-1210. The bankruptcy would be paid next and if there is still enough net pay the state tax levy would also be paid.
- Employee A's original net pay was \$1,262.00
- The child support agency would receive \$400.00
- The employer would receive \$5.00
- The Chapter 13 bankruptcy trustee would receive \$100.00
- The tax commission would receive \$426.25
- **The employee's final net pay would be \$330.75 ( $\$1,262.00 - \$400.00 - \$5.00 - \$100.00 - \$426.25$ )**

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## Wage Assignments

- Wage assignments are voluntary and are not considered garnishments. Idaho Code 11-207 does not apply.
- Employers in the State of Idaho are not required to accept wage assignments and cannot be forced by a creditor to accept them.

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## You Have Been Served With a Garnishment Order – Now What?



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## Idaho State Agencies Only

- Forward any Garnishments that are sent to your agency directly to the State Controller's Office
- The State Controller's Office notifies an employee before withholding begins
- A copy of the notification is sent to the agency payroll staff
- No changes to employee deductions should be made while the garnishment is in place
- Remain mindful this is highly confidential information

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## Practical Suggestions

- Date and time stamp upon receipt
- **Carefully read entire withholding order**
- **Check the employee's record**
- Respond to creditor when required
- Notify the employee when required
- Set up the garnishment
- Audit payroll
- Send payments
- **Keep files in secure location other than the employee's personnel file**
- Remain in contact with the creditor
- Notify creditor upon separation from employment
- **Continue withholding until a release is received from the creditor**

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## Carefully Read Entire Withholding Order Part 1

shall deduct from debtor's earnings the sum of \$ SEE PAYMENT SCHEDULE BELOW (monthly) beginning the first pay period following the receipt of this Order and every pay period thereafter, including any month in which the debtor receives periodic or lump sum payments for or on account of vacation, termination, or other benefits arising out of present or past employment. Said sums shall be remitted to the Chapter 13 Trustee.

**PAYMENT SCHEDULE:**  
\$541.00 per month commencing now through August 2014, then  
\$680.00 per month commencing September 2014 through remainder of plan

If the employee/obligor works in a state or for a tribe that is different from the state or tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.  
☒ If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

### ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at [www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information](http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information).

Priority: Withholding for support has priority over any other legal process under State law against the same income (42 USC §666(b)(7)). If a federal tax levy is in effect, please notify the sender.

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## Carefully Read Entire Withholding Order Part 2

### JUDGMENT

Judgment Amount . . . . .	\$5,804.48
Additional Interest (05/19/14 - 06/11/14) . . . . .	\$19.20
Additional Costs . . . . .	\$14.00

**TOTAL DUE . . . . . \$5,837.68**

This provides only 25% of earnings in excess of thirty times the federal minimum wage in each week may be garnished. Further, based on other limitations contained in Federal law, the total amount withheld in the garnishment should not exceed **\$196.00 per month** (or \$98.00 every two weeks or \$49.00 per week).

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## Continue Withholding Until a Release is Received from the Creditor

A notice of levy was served on you and demand was made for the surrender of:

- ☐ all property, rights to property, money, credits and bank deposits of the taxpayer(s) named above, except as provided in 6332(c) of the Internal Revenue Code--"Special Rule For Banks." See Page 2 regarding this exception.
- ☒ wages, salary and other income, now owed to or becoming payable to the taxpayer(s) named above.

The box checked below applies to the levy we served on you.

### Release of Levy

- ☐ Under the provisions of Internal Revenue Code section 6343, all property, rights to property, money, credits, and bank deposits of the taxpayer(s) named above are released from the levy.
- ☒ Under the provisions of Internal Revenue Code section 6343, all wages, salary and other income now owed to or becoming payable to the taxpayer(s) named above are released from the levy.

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## Frequent Mistakes

- Acting on verbal instructions. It must be in writing
- **Applying the rules of one type of garnishment to another type**
- Using a generic form instead of the forms included with garnishments when filing an answer or interrogatory
- Not filing an answer or interrogatory on time
- Not garnishing bonus or lump-sum payments
- Allowing changes in employee deductions while garnishment is in place

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## Federal Assignment Versus Higher Education Act

<b>UNITED STATES GOVERNMENT</b> <b><u>WAGE GARNISHMENT ORDER (SF-329B)</u></b>		
<input type="checkbox"/> If box checked, this is an Amended Order. An Amended Order supersedes any prior orders issued by the Creditor Agency in connection with the employee named below.		
1. Date of this Order:	2. Date Mailed to Employee:	3. Creditor Agency Tracking No. (refer to this number in all correspondence)
<b>RE:</b>		
4. Employee Name:		5. Employee Social Security No.:

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## Questions



If questions come up regarding garnishments, you may want to take the following steps in order to resolve the issue:

- Read the order in its entirety
- Contact the Creditor
- Research using applicable laws

If you are still not satisfied with the answer consult your legal counsel.

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## Applicable Laws Idaho Code

- Idaho Enforcement in Judgments In Civil Actions (Idaho CCPA) Definitions  
<http://legislature.idaho.gov/idstat/Title11/T11CH2SECT11-206.htm>
- Restriction on Garnishment - - Maximum  
<http://legislature.idaho.gov/idstat/Title11/T11CH2SECT11-207.htm>
- Mandatory Income Withholding for Child Support  
<http://legislature.idaho.gov/idstat/Title32/T32CH12SECT32-1210.htm>
- Continuous Idaho State Tax Levy  
<http://legislature.idaho.gov/idstat/Title63/T63CH30SECT63-3060A.htm>

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## Applicable Laws Federal Code

- Consumer Protection Act - 15 U.S.C §1673  
<http://www.law.cornell.edu/uscode/text/15/1673>
- US Dept of Labor Fact Sheet #30  
<http://www.dol.gov/whd/regs/compliance/whdfs30.pdf>
- Higher Education Act - 20 U.S.C §1095a  
<http://www.law.cornell.edu/uscode/text/20/1095a>
- Administrative Wage Garnishment - 31 CFR 285.11  
<http://www.law.cornell.edu/cfr/text/31/285.11>

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## Applicable Laws Federal Code

- Administrative Wage Garnishment Form SF-329  
<http://fms.treas.gov/debt/awg/SF329.pdf>
- Chapter 13 Bankruptcy  
<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyBasics/Chapter13.aspx>
- Federal Tax Levy  
<http://www.law.cornell.edu/uscode/text/26/6334>
- Publication 1494 - Tables for Figuring Amount Exempt from Levy on Wages  
<http://www.law.cornell.edu/uscode/text/26/6334>

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